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| 10/693,534 | 10/25/2003 | Nick E. Ciavarella | GOJ 03030 | 2298 |
| 26360 | 7590 | 09/24/2008 | EXAMINER | |
| RENNER KENNER GREIVE BOBAK TAYLOR & WEBER | | | CARTAGENA, MELVIN A | |
| FIRST NATIONAL TOWER FOURTH FLOOR | | | | |
| 106 S. MAIN STREET | | | ART UNIT | PAPER NUMBER |
| AKRON, OH 44308 | | | 3754 | |
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1 UNITED STATES PATENT AND TRADEMARK OFFICE

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4 BEFORE THE BOARD OF PATENT APPEALS

5 AND INTERFERENCES

6

7

8 *Ex parte* NICK E. CIAVARELLA, MARK E. ROSENKRANZ, MARTIN

9 O'TOOLE, and FRANZ DETLEV SMITH

10

11

12 Appeal 2008-1816

13 Application 10/693,534

14 Technology Center 3700

15

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17 Decided: September 24, 2008

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20 *Before:* MURRIEL E. CRAWFORD, DAVID B. WALKER, and BIBHU

21 R. MOHANTY, *Administrative Patent Judges.*

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23 CRAWFORD, *Administrative Patent Judge.*

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26 DECISION ON APPEAL

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28 STATEMENT OF THE CASE

29 Appellants appeal under 35 U.S.C. § 134 (2002) from a final rejection

30 of claims 1, 3, and 6 to 14. We have jurisdiction under 35 U.S.C. § 6(b)

31 (2002).

1 Appellants invented a universal adapter clip (Specification 1).

2 Claim 1 under appeal reads as follows:

3 1. A universal adaptor clip used in connection with a container
4 that is received within a soap dispenser having a
5 key-plate, the clip comprising:
6 a) a hollow body attachable to the container;
7 b) a flange extending radially outward from
8 said body; and
9 c) a tab extending rearwardly from said
0 body and axially spaced from said flange to
1 receive the key-plate therebetween upon insertion
2 of the container within the dispenser.

14 The Examiner rejected claims 1, 3, and 6 to 14 under 35 U.S.C. §
15 102(b) as being anticipated by Gerenraich.

16 The prior art relied on in this appeal is:

17 Gerenraich US 6,607,103 B2 Aug. 19, 2003

19 ISSUES

20 The dispositive issue in this case is whether the Appellants have
21 shown that the Examiner erred in finding that Gerenraich discloses a
22 universal adaptor clip that includes a hollow body and a tab extending
23 rearwardly from the hollow body.

1 ANALYSIS

2 Appellants disclose an adaptor clip 40 for a container in a soap
3 dispenser that comprises a hollow body 41 with a flange 43 extending
4 radially outward from the hollow body attachable to a container
5 (Specification 6; Figure 4). The adaptor clip 40 also includes tabs 50
6 extending rearwardly from the hollow body 41 (Specification 6).

7 This case turns on whether Gerenraich discloses a tab or a pair of tabs
8 which extend from the hollow body of the clip or the clip itself. We will not
9 sustain this rejection for the reasons that follow.

10 Gerenraich discloses a touch free soap dispenser that includes a clip
11 that includes a hollow body 88 attachable to a container and a flange 80
12 which extends outwardly from the clip (Figure 6). Gerenraich also discloses
13 an actuator 94 which is operated by a driver assembly 100 (col. 3, ll. 62 to
14 68; Figure 10). The actuator 94 includes a tab 126 and vertical ribs which
15 extend outwardly from the actuator 94 (Figure 10). Gerenraich does not
16 disclose a tab or a pair of tabs that extend from the hollow body 88 as
17 required by claim 1, and claims 3 and 6 to 11, which are dependent on claim
18 1, and claim 12. Gerenraich does not disclose a pair of tabs extending from
19 the bottom flange of the hollow body 88 as required by claim 13 and claim
20 14 dependent thereon.

21 The decision of the Examiner is reversed.

22

23 REVERSED

Appeal 2008-1816
Application 10/693,534

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